

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 23, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:11 a.m.

Mayor Murphy announced that San Diego is hosting the ship ARC Gloria, and that it will grace San Diego's Bay through Wednesday, September 24, 2003. Mayor Murphy introduced the Commanding Officer Jesus Bejarano and his crew stating that the City of San Diego is honored to have them here, and that everyone hopes that the Commanding Officer and his crew has a wonderful time in the City, as well as a safe voyage home.

Mayor Murphy recessed the meeting at 11:19 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:25 a.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:56 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 11:57 a.m. with Council Member Inzunza not present. The meeting was recessed by Mayor Murphy at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with Council Member Zucchet and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 3:21 p.m. to Closed Session immediately thereafter in the 12th floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

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for the Regular Meeting of Tuesday, September 23, 2003**

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Clerk-Lane (pr/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Dorothy Leonard regarding Mission Trails, and the Mission Trails Regional Park Official Guidebook.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. - 10:22 a.m.)

PUBLIC COMMENT-2:

Comment by JoAnn Anderson regarding the San Diego River Park Award presented to Mayor Murphy for all his hard work and dedication to the Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

PUBLIC COMMENT-3:

Comment by Don Stillwell regarding prayer, court decisions, and our United States history.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:30 a.m.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Noel Neudeck regarding the Otay Mesa Library alarm system.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:31 a.m.)

PUBLIC COMMENT-5:

Comment by Dr. Jamie Gates regarding a "Living Wage Ordinance" that he wishes Council to consider.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:35 a.m.)

PUBLIC COMMENT-6:

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

PUBLIC COMMENT-7:

Comment by Mindy Pellissier regarding “Coastal Cleanup Day” in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:41 a.m.)

PUBLIC COMMENT-8:

Comment by Pastor Jim Gilbert regarding the desperate housing needs for poor children in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:43 a.m.)

PUBLIC COMMENT-9: REFERRED TO THE CITY MANAGER

Comment by Penelope Bourk regarding Code Compliance Week.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-10:

Comment by Shizhong Chen regarding San Diego's Sister City, Yanti.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:50 a.m.)

PUBLIC COMMENT-11:

Comment by Amy Friedman regarding safe beach recommendations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:53 a.m.)

PUBLIC COMMENT-12:

Comment by Joyceline Tarr regarding trees, sidewalks, and streets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Mayor Murphy wishing to thank the San Diego River Park Foundation for the award presented to him for his champion efforts to preserve and restore the San Diego River, and to create a San Diego River Park from the head waters near Julian all the way to the Pacific Ocean. The Mayor wished to point out that there are so many people involved in the San Diego River Park effort, and that he wished to share the award for their efforts and contributions. Also, Mayor Murphy wished to add his thanks to the six members of the Mission Bay Park Committee for their dedication and many hours working for no money on behalf of Mission Trails. Lastly, Mayor Murphy announced

that last Friday, September 19, 2003, the City broke ground on the sixth parkade parking garage to provide 5,000 additional parking spaces to help serve all of Redevelopment and the Ballpark area.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.; 11:00 a.m. - 11:02 a.m.; 11:18 a.m. - 11:19 a.m.)

COUNCIL COMMENT-2:

Comment by Council Member Frye wishing to thank the Mission Bay Park Committee for their dedication and hard work over the years. Also, this past weekend there was a three day book sell at Barnes and Noble in Hazard Center to raise money for the Mission Valley Library. Council Member Frye wished to recognize Aimee Faucett, and Mary Jo Lanza fame for their efforts, as well as Lisa Gonzales from her staff. Approximately \$7,000 was raised over the three day book sale, and that will be met with City funds creating a little under \$15,000.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:08 a.m.)

COUNCIL COMMENT-3:

Comment by Council Member Peters thanking all the volunteers who came out to do the "Coastal Cleanup" for "I Love A Clean San Diego." At Torrey Pines State Beach there were 250 volunteers who picked up 1,330 pounds of trash and recyclables.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:10 a.m.)

COUNCIL COMMENT-4: REFERRED TO THE CITY MANAGER

Comment by Council Member Zucchet thanking the City Attorney for his visual demonstration regarding the cleanup done over the weekend. Council Member Zucchet pointed out that when the Thunderboats come to San Diego, the fire works display is longer, significantly bigger, and louder, and requested that next year, when the fire works are permitted, he have some input into that. Council Member Zucchet noted that the new Ocean Beach Tot Lot was opened yesterday at the Ocean Beach Recreation Center, and wished to thank everyone for all they did.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:10 a.m. - 11:13 a.m.)

COUNCIL COMMENT-5:

Comment by Council Member Atkins wishing to invite everyone to attend this Saturday and Sunday's 22nd annual Adams Avenue Street Faire. It is southern California's largest free music festival. Council Member Atkins asked that everyone come and join the wonderful family friendly event in Normal Heights September 27, and 28, 2003, from 10:00 a.m. to 9:00 p.m. on Saturday, and 10:00 a.m. to 6:00 p.m. on Sunday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:13 a.m. - 11:14 a.m.)

COUNCIL COMMENT-6:

Comment by Council Member Madaffer thanking the "Friends of Lake Murray" for all the work they did this past weekend, and their efforts for the coastal and water-way cleanup. Council Member Madaffer also wanted to mention that the Council has been supportive of the "Neighborhood E-Watch" program to enable people to type in on their computer to get status reports on crimes that take place in and around their neighborhood. Also, Megan's Law is scheduled to sunset December 31, 2003, however, the Legislature is reconvening this coming Monday with only a three year extension in mind, and Council Member Madaffer encouraged support for Megan's Law to be in place indefinitely.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:16 a.m.)

CITY MANAGER COMMENT:

City Manager Uberuaga commented on Homeland Security funding, and as the Council requested there was a report produced last Wednesday that outlined an approach and strategy both short term and long term to try to get additional Homeland Security funding. So far the City has received 1.3 million dollars, and in fact should be at 10 to 15 million dollars. A local group that addresses disasters which includes all the cities and county voted to go to the SANDAG model of voting when they consider major decisions which would mean a weighted vote where the City would have 40 percent of the vote. When the Homeland Security is considered, the City of San Diego will have a better vote than one per City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:18 a.m.)

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn announced that Council in Closed Session today, by a vote of 9 to 0, authorized an Appeal in the case of Washington Elementary Parent Action Group, et al. v. the City of San Diego, SDSC Case No. GIC 802177. Mr. Gwinn wished to publicly thank Council Member Frye, Council Member Madaffer, Council Member Zucchet, and Council Member Peters that supported and were involved in the "I Love A Clean San Diego" Coastal Commission beach cleanup this last weekend. The City Attorney's Office had a team working at Mission Bay in the Tecolote Canyon drainage basin that goes into Mission Bay. City Attorney Casey Gwinn stated that it was an incredible reminder that the battle was not done in trying to protect the Bay, and that they collected about two thousand pounds of garbage and trash from the drainage channel itself.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:02 a.m. - 11:06 a.m.)

ITEM-330: Chollas Creek Enhancement Program.

(City Heights Community Area. District-4.)

(Continued from the meeting of 8/5/2003, Item 333, at the request of Councilmember Atkins, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-166) ADOPTED AS RESOLUTION R-298415

Authorizing the City Auditor and Comptroller to transfer \$850,000 from CIP-35-082.0, Main Library (Fund No. 102216), to CIP-36-063.0, Police Garage Relocation (Fund No. 102216);

Authorizing the City Manager to expend an amount not to exceed \$850,000 from CIP-36-063.0, Police Garage Relocation (Fund No. 102216), for acquisition of approximately six acres of undeveloped land located on Home Avenue at Menlo Street within the Chollas Creek Enhancement Program area (Property) from the Antoniades Family Trust and for related costs of acquisition;

Accepting the generous donation by the Antoniades Family Trust to the extent the appraised value exceeds the purchase price of \$800,000.

CITY MANAGER SUPPORTING INFORMATION:

This action requests authorization for the expenditure of \$850,000 from CIP-35-082.0 for the purchase of approximately 6 acres of land from the Antoniades Family Trust for inclusion within the Chollas Creek Enhancement Program. The subject property is located adjacent to the east side of Home Avenue and north of Fairmont Avenue in the Ridgeview/City Heights neighborhood of the Mid-City Community.

On May 14, 2002 the City adopted the "Chollas Creek Enhancement Program" whose vision includes maintaining the natural areas in an undisturbed fashion, promoting cohesive new development that integrates buildings, open space, and the creek into successful and useable areas for the community. The overall goal of the Chollas Creek Enhancement Program is to restore the Creek to its natural state and create an attractive linear park open space trail system

including educational/interpretive elements, public art and other amenities, that will ultimately link San Diego's central mesas to San Diego Bay. The Mid-City Communities Plan also identifies the preservation and enhancement of Chollas Creek as a linear open space system to provide passive recreational opportunities, visual relief and biological habitat preservation.

The acquisition of this property will not only contribute towards the vision of the program, but will provide approximately 2 acres of developable park land to a community already deficient in park area. The "Antoniades Property" consists of approximately 6 acres for which the City will pay \$800,000. If, and to the extent that, the value of the property exceeds the City's purchase expenditure, the Antoniades Family Trust intends to submit for a charitable contribution deduction. At the request of the Trustee of the Antoniades Family Trust, the City will provide the Trustee with the donee form required by the US Internal Revenue Service. Valuation of the property for charitable contribution purposes is solely the responsibility of the Antoniades Family Trust.

FISCAL IMPACT:

Funds in the amount of \$850,000 are available from CIP-35-082.0 for the acquisition of the referenced property.

Herring/Griffith/BLM
Aud. Cert. 2400096.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. - 3:21 p.m.)

MOTION BY LEWIS TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Inviting Bids and Award of Contract for Central Police Facility Project.

(City Heights Community Area. District-3.)

(Continued from the meeting of 8/5/2003, Item 332, at the request of
Councilmember Atkins, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-129) ADOPTED AS RESOLUTION R-298416

Approving the plans and specifications for the construction of the Central Police Facility (Project);

Authorizing the City Manager, after advertising for proposals in accordance with law, to establish contract funding phases, and to award the Project contract to Sundt Construction, Inc., Southern California (Sundt) as the Design Build Entity whose proposal is judged as providing best value meeting the interests of the City and meeting the objectives of the Project, in an amount not to exceed \$8,220,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, and Sundt satisfies all conditions precedent to award;

Authorizing the expenditure of an amount not to exceed \$6,898,100 from Central Police Garage, CIP-36-063.0, for Phase 1 of the Design-Build Contract, and \$1,321,900 from Central Police Garage, CIP-36-063.0, for Phase 2 of the Design-Build Contract, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In September of 2000, a facility program was completed for the Central Police Garage, located at 12th and "K" Streets that identified several deficiencies in the current facility, including a shortage of maintenance bays and overcrowded parking. Consequently, the City Council added the Central Police Garage Relocation Project, to the Capital Improvement Program, to address these deficiencies, therefore requiring a larger site and to allow the New Main Library to be located on the 12th Street and "K" Street property. The proposed project site is located at the

northeast corner of the Home Avenue and Federal Boulevard, currently occupied by the Police Department K-9/SWAT facility within the Fairmount Park neighborhood of the City Heights Community Planning Area.

The 28,000 square foot Vehicle Maintenance Facility (VMF) would be constructed on the west side of the existing pistol range, along with a fuel station, oil lubrication site, and vehicle wash bay. The VMF would include administrative offices, vehicle service, storage space and surface parking spaces. To accommodate the VMF building, the existing K-9/SWAT facilities would be relocated to vacant land to the east of the pistol range and north of Federal Boulevard. No modifications to the pistol range are proposed as a part of this project. This project has been coordinated extensively with the community during development of the bridging documents, receiving unanimous support and includes sidewalk improvements, landscaping in accordance with the Chollas Creek Enhancement Plan, a community meeting room, post construction Best Management Practices (BMP's) and public art. The landscaping and public art will also be coordinated with the community during design development. This project will be designed in accordance with the Standard Urban Storm Water Management Mitigation requirements and Americans with Disabilities Act/Title 24 regulations.

In accordance with Article 2, Division 33 of the Municipal Code, Sundt Construction, Inc., Southern California was selected as the successful Design Build Team (DBT). The proposed agreement with the DBT will provide the professional services required to prepare construction drawings, construct the Central Police Facility and provide all necessary environmental mitigation and monitoring during construction.

FISCAL IMPACT:

The total project cost is estimated at \$9,550,000 of which \$8,220,000 is for the Design-Build Contract and \$1,330,000 is for engineering and related costs. This project is phase funded.

Loveland/Belock/AO
Aud. Cert. 2400049

FILE LOCATION: CONT-Sundt Construction, Inc., Southern California
(Sundt)

COUNCIL ACTION: (Time duration: 2:26 p.m. - 3:21 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Central Police Facility.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Rezone, Site Development Permit and Public Right-of-Way Vacations for the relocation of the Canine/Swat Facility and construction of the Central Police Vehicle Maintenance Facility on a 16.8 acre site. The Rezone includes a 6.0 acre portion of the site which will be rezoned from RS-1-7 to OR-1-1. The Public Right-of-Way Vacations of unimproved streets include a portion of A Street, Ash Street, 40th Street, 41st Street and Alleys in Block 33, and the Alley in Block 35, all within Marilou Park, Map No. 517; and a portion of Federal Boulevard that was previously relinquished by the State of California in 1957. The site is located at 4002-4008 Federal Boulevard in the RS-1-7, RM-1-1 and OR-1-1 Zones of the Central Urbanized Planned District within the Mid-City Communities Plan Area.

(Continued from the meeting of August 5, 2003, Item 331, at the request of Councilmember Atkins, for further review.)

NOTE: The Public Testimony Portion of the Hearing is open. Public testimony was taken on August 5, 2003.

(See City Manager Report CMR-03-189. CPA-8321/RZ-10683/SDP-8318/Public R-O-W Vacations-7233/MND-4955/MMRP/PTS No. 4955/City Heights Neighborhood of Mid-City Communities Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, B, and D; adopt the resolution in subitem E to grant the permit; and introduce the ordinance in subitem C:

Subitem-A: (R-2004-161) ADOPTED AS RESOLUTION R-298417

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration, Project No. 4955, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any

comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Site Development Permit No. 8318 for the Central Police Facility;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-162) ADOPTED AS RESOLUTION R-298418

Adoption of a Resolution certifying that the amendments to the Mid-City Communities Plan No. 8321, and the Progress Guide and General Plan are adopted and a copy of the amendments is on file in the office of the City Clerk.

Subitem-C: (O-2004-13) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 13, 2003

Introduction of an Ordinance of the Council of the City of San Diego changing 6.0 acres, located at a portion of 4008 Federal Boulevard, in the Mid-City Communities Plan Area, in the City of San Diego, California, from the RS-1-7 Zone (Previously referred to as the R1-5000 zone) to the OR-1-1 zone, as defined by San Diego Municipal Code Section 131.0204; and repealing Ordinance No. 35 N.S. (New Series), adopted October 13, 1932, of the ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2004-163) ADOPTED AS RESOLUTION R-298419

Adoption of a Resolution certifying that the street vacation, as more particularly shown on Drawing No. 00080-C and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution with exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-E: (R-2004-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-298420

Adoption of a Resolution granting or denying Site Development Permit No. 8318, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on July 24, 2003, voted 6 - 0 on two motions: (was opposition)

- 1) Recommend non-certification of Mitigated Negative Declaration No. 4955.
- 2) Recommend denial of the project based on the above Item 1.

The commissioners agreed that if the Commission could recommend certification of the environmental document, then the Commission would have also recommended approval of the project. A memorandum will be submitted to the City Council from Staff, which includes recommended conditions of approval from the Planning Commission.

Ayes: Lettieri, Schultz, Brown, Chase, Steele, Ontai
Absent: Garcia

The City Heights Area Planning Committee has recommended approval of this project.

SUPPORTING INFORMATION:

This is a request for a Community Plan Amendment and Progress Guide and General Plan Amendment, a Rezone, Public Right-of-Way Vacations and a Site Development Permit to relocate and construct a new Canine/SWAT Police Facility and to construct a new Police Vehicle Maintenance Facility at the corner of Home Avenue and Federal Boulevard. The existing Canine and SWAT facilities would be removed from the western portion and relocated to the eastern portion of the site. The facility would include a 6,500 square foot one-story office building, an approximately 40,000 square-foot training field, 6,000 square feet of kennel space and 66 surface parking spaces. The facility would be designed to support the same type of activities which are occurring at the present location. For the existing location of the Canine and Swat facility at the west portion on the site, a new Central Police Vehicle Maintenance Facility is proposed.

The facility would include a 35,580 square foot, two-story structure containing administrative offices, storage space, a repair and body shop, and a oil lubrication site. The facility will also include a fuel station, vehicle wash bay and a 113-space surface parking lot. Service activities would include preventive maintenance, repairs and body shop operations including painting. The Police Pistol Range has deed restrictions for its use whereby ceasing of the current use as a police pistol range would allow the property to revert back to the heirs of the previous owners who donated the site. No changes are proposed for the structures or uses that comprise the pistol range.

Community Planning Group Recommendation: On May 6, 2002, the City Heights Area Planning Committee voted 15-0-1 to recommend approval of this project with conditions. Conditions include that a facility conference room be made available for use by the community; that the architecture enhance the facility's river rock aesthetics; that landscaping blend with the surrounding conditions; that parking on the southeastern portion of the site be developed during the last phase of construction; and that historical designation be pursued for the pistol range facility.

Planning Commission Recommendation: The proposed project is scheduled for a Planning Commission recommendation hearing on July 24, 2003. The resulting recommendation will be forwarded to the City Clerk's Office through an addendum to the 1472 report.

Fiscal Impact Statement: The total project cost is \$9,550,000 including design, project administration, environmental mitigation and construction and is available in Fund 30244, CIP 36-063. The budget is included in the Library Financing Plan and the appropriation includes \$7,800,000 in prior years and \$1,750,000 in Fiscal Year 2004.

Traffic Impact Statement: The project is estimated to generate 548 average daily trips (ADT). The freeway segments nearby the project location are State Route 94 and Interstate 805 which are expected to increase 273 trips and 164 trips, respectively. There are no improvements planned by Caltrans in these segments. The project is also expected to increase 219 daily trips on Home Avenue and 548 trips on Federal Boulevard. The project impact on the surrounding arterial streets is minimal. However, the project will improve Federal Boulevard within the site frontage to comply with the City's Standards of a two lane collector street.

Water Quality Impact Statement: The project proposes approximately 198 parking spaces and the creation of new impervious surfaces may result in potential water quality impacts to Chollas Creek, an already impaired water body. The proposed project is required to implement Best Management Practices (BMPs) in compliance with the City's Stormwater Regulations. As a result, the project would be designed to utilize appropriate post construction BMPs to ensure that runoff and storm flows being diverted to inlets are treated on site before being directed to the existing storm drain system along Federal Boulevard. In addition, BMPs are required during

construction to reduce potential water quality impacts. The project would have certified and approved engineering drawings that identify appropriate pre and post construction BMPs to ensure compliance with the City's Stormwater Regulations.

Ewell/Christiansen/JCT

LEGAL DESCRIPTION:

The proposed project site is located at the northeast corner of the Home Avenue/Federal Boulevard intersection currently occupied by the Police Department K-9/SWAT facility within the City Heights neighborhood of the Mid-City Communities Planning Area and is more particularly described as portions of the west half of Lot 20, Horton's Purchase of Ex-Mission Lands, Map No. 283; Lots 1-9, Block 35 of Marilou Park, Map 517; portions of Blocks 40 and 41, Marilou Park, Map 517; Lots 15, 16 and 24-38, Block 32, Marilou Park, Map 517.

FILE LOCATION: SUBITEMS A, B & E: LUP-Central Police Facility,
08/05/03 (65)
SUBITEM C: NONE
SUBITEM D: STRT-J-2955 (39)

COUNCIL ACTION: (Time duration: 2:26 p.m. - 3:21 p.m.)

Testimony in opposition by Barbara Winton and John Stump.

Testimony in favor by Theresa Quiroz, Russ Connelly, Guy Mock, Noel Nuedeck, Jessie Sergeant, Patty Vaccariello, and Jim Varnadore.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, AND D; ADOPT THE RESOLUTION IN SUBITEM E TO GRANT THE PERMIT INCLUDING THE AMENDMENTS TO CONDITION NO. 40 OF THE SITE DEVELOPMENT PERMIT, SPECIFICALLY THE MAKE UP OF THE FOCUS GROUP THAT WILL OVERSEE THE IMPLEMENTATION OF THE PROJECT; AND INTRODUCE THE ORDINANCE IN SUBITEM C. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Amendment to the Mission Trails Design District Ordinance, Design Manual, and Map C-916.

Matter of approving, conditionally approving, modifying or denying a proposed rezone to amend the boundaries of the Mission Trails Design District, to add and delete some parcels and to amend certain guidelines within the Design District.

(See City Manager Report CMR-03-185. MTDD/Negative Declaration LDR No. 42-1320. Tierrasanta, Navajo, and East Elliot Community Plan Areas. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in subitems A and B, and adopt the resolutions in subitems C and D:

Subitem-A: (O-2004-21) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 13, 2003

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 13, Article 2, Division 12, of the San Diego Municipal Code, by amending Sections 132.1202 and 132.1205, pertaining to the Mission Trails Design District Overlay Zone.

Subitem-B: (O-2004-20) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 13, 2003

Introduction of an Ordinance of the Council of the City of San Diego incorporating and deleting property located in the City of San Diego from the Mission Trails Design District Ordinance as defined in Chapter 13, Article 2, Division 12, of the San Diego Municipal Code and the Mission Trails Design District, and repealing Ordinance No. O-15566 (New Series), adopted August 10, 1981, respectively, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (R-2004-228) ADOPTED AS RESOLUTION R-298405

Adoption of a Resolution of the Council of the City of San Diego approving revisions to the Mission Trails Design District Manual.

Subitem-D: (R-2004-269) ADOPTED AS RESOLUTION R-298406

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration No. 42-1320, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of an amendment to an ordinance;

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on July 24, 2003, voted 6 - 0 to approve; was opposition.

Ayes: Chase, Brown, Lettieri, Schultz, Steele, Ontai
Not present: Garcia

The Navajo Community Planning Group on March 17, 2003, voted 16 to 0 in support of the proposed changes to the Mission Trails Design District and map, as submitted in this report for areas 1-11. This vote included areas 7 and 8 to be added to the Design District, with the existing Design District along Mission Gorge Road to remain. On June 16, 2003, the Navajo Community Planning Group voted 8 to 7 to delete areas 7 and 8 on the map.

The Tierrasanta Community Planning Group on June 18, 2003, voted unanimously in favor of the staff recommended changes to the Design District and the map with the exception of areas 7 and 8 in the Design District. For areas 7 and 8, the Tierrasanta Community Planning Group voted to retain areas 7 and 8 and the existing Design District along Mission Gorge Road.

The East Elliott Community Planning Group is inactive at this time.

The Mission Trails Citizen's Advisory Committee (CAC) on March 4, 2003, voted unanimously to recommend approval of the proposed amendments to the map and Design District Manual with the addition of areas 7 and 8 within the Design District. On July 1, 2003, the Mission Trails CAC voted unanimously to retain areas 7 and 8 on the map until the San Diego River Park Master Plan is approved with replacement design guidelines.

The East Elliott Community Planning Group is inactive at this time.

The Mission Trails Regional Park Task Force on May 21, 2003, voted unanimously to recommend approval of the recommendations for areas 1 to 6 and 9 to 11, and to delete the technology park from the Design District along Mission Gorge Road (areas 7 and 8).

CITY MANAGER SUPPORTING INFORMATION:

Background

The Design District Ordinance (No. O-15566NS) was created in 1981 to respond to the community's desire to have design guidelines that provide direction to projects that have a direct visual relationship to the Regional Park. The guidelines apply to parcels outside of the Regional Park and do not affect the park itself. The Design District covers areas within the East Elliott, Navajo and Tierrasanta Community Plan areas (See Attachment 1). An emergency interim ordinance was adopted by the City Council in 1980 for the duration of nine months, while the Design District was being created. This ordinance applied a moratorium for construction of any buildings exceeding four stories in height within a thousand yards of the Regional Park. The Design District Ordinance was adopted by the City Council, by Ordinance No. O-15566NS on August 10, 1981.

The City Council adopted the Regional Park Plan on April 29, 1985 by Resolution No. R-263065. Some of the park boundaries overlapped with the Design District and therefore, an update of the Design District would eventually be necessary. More recently, some of the parcels currently in the Design District have been questioned as to their direct visual relationship to the Regional Park.

Members of the Regional Park CAC recommended some of these parcels be removed from the Design District and that the design guidelines within the Design District be reviewed.

On May 15, 2003, the rezone initiation request to amend the Design District Ordinance was brought before the Planning Commission and approved by a unanimous vote. On July 24, 2003, the Planning Commission voted unanimously in favor of the staff recommendation for the amendments.

The adopted Design District contains three subarea categories for application of the Design District guidelines. Each subarea relates to distinct areas surrounding the park: Subarea 1 includes commercial, multifamily and residentially-zoned areas of the Design District which are currently undeveloped or which could potentially redevelop. Subarea 2 addresses guidelines for steep hillsides. Subarea 3 addresses two portions of the Mission Gorge Road area. The Design District is implemented by discretionary permits required for any development proposed within the boundaries of the Design District. Staff reviewed the Design District Ordinance and applicable boundaries for the Design District and then considered amendments to the map and the Design District Manual. The following discussion is the result of the staff analysis.

Discussion

The documents recommended for adoption include the Design District Ordinance, the Design District Manual and the map. The discussion that follows addresses: 1) properties that are recommended to be added to and deleted from the Design District; 2) proposed new design guidelines for the Design District Manual; 3) proposed changes to the Design District Ordinance; 4) community input; and 5) interdepartmental coordination. (See City Manager Report CMR-03-185 for more.)

FISCAL IMPACT:

The cost associated with processing this rezone is part of the Planning Department work program for fiscal year 2004.

Ewell/Goldberg/LHH

FILE LOCATION: SUBITEMS A & B: NONE
SUBITEMS C & D: LAND-Tierrasanta, Navajo, and East
Elliott Community Plan Areas, Mission Trails Design
District Ordinance (10)

COUNCIL ACTION: (Time duration: 11:58 a.m. - 12:00 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES, AND TO ADOPT THE RESOLUTIONS. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-334: Vacation of a Portion of Artesian Road.

(Black Mountain Ranch Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-309) ADOPTED AS RESOLUTION R-298407

Vacating a portion of Artesian Road under the procedure for the summary vacation of public street easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The project proposes the vacation of a portion of the Artesian Road public right-of-way. Artesian Road is bordered by Rancho Bernardo Road, Camino Del Sur and Four Gee Road. Artesian Road currently experiences a minimal amount of daily traffic. Camino Del Sur, a four lane major, has been completed and is open to traffic between Four Gee Road and Lone Quail Road and is projected to operate at acceptable level of service at full build out of the community. Camino Del Sur replaces Artesian Road as the east-west corridor between the City of San Diego and the County of San Diego. The portion of Artesian Road proposed to be vacated is currently an unimproved gravel road and is used for utility access only. Currently, no public access is allowed along Artesian Road. Public access is provided by Camino Del Sur. There is no officially recognized community planning group for this area. On June 12, 2003 the Rancho Peñasquitos Community Planning Board voted 14-0-0 recommending approval of the proposed street vacation. Staff review has determined the four required findings to approve the vacation can be

supported; 1. That there is no present or prospective use for the easement or right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The residential area where Artesian Road is located experiences a minimal amount of daily traffic. Camino Del Sur has been constructed as a four lane major between Four Gee Road and Lone Quail Road. Camino Del Sur would operate at acceptable level of service at community build out. Camino Del Sur replaces Artesian Road as the east-west corridor between the City of San Diego in the County of San Diego and Artesian Road is not needed for its original purpose. 2. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The vacation of Artesian Road would eliminate the responsibility of the City to perform maintenance, and would relieve the City of liability for this area. Public access to this area has been replaced by Camino Del Sur. 3. That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program. The portion of the street being vacated is not part of the transportation element in the community plan. The land would revert to a A-1-10 zone which is consistent with the community plan land use designation. The vacation of a portion of Artesian Road would be consistent with the progress Guide and General Plan and the Black Mountain Ranch Subarea Plan. 4. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. Camino Del Sur is open to the public for access to Four Gee Road. The use of Camino Del Sur in lieu of Artesian Road is a benefit to the community, as it provides a more direct route from the County to the City of San Diego. The use of Camino Del Sur in lieu of Artesian Road will not be detrimental to the community. City staff recommends vacation of a portion of Artesian Road.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/DNJ

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301(l).

FILE LOCATION: STRT-J2958 (39)

COUNCIL ACTION: (Time duration: 11:54 a.m. - 11:55 a.m.)

MOTION BY PETERS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-335: Marazul Townhomes.

Matter of the appeal by Maury Liwerant of the decision of the Planning Commission in approving an application for Coastal Development Permit/Planned Development Permit/Tentative Map Waiver Permit to demolish the existing one-story duplex; construction of a 2,480 square-foot, two-story single family residence with an attached 406 square-foot, two-car garage, a 3,964 square-foot, two-story duplex with two attached 400 squarefoot, two-car garages and the denial of a deviation for a curb cut in Westbourne Street on a 10,199 square-foot site located at 605/607 Westbourne Street between La Jolla Boulevard and Draper Avenue.

(See City Manager Report CMR 03-183. Marazul Townhomes Community Plan Area. District-1 .)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and to uphold the decision of the Planning Commission, certifying environmental document; adopt the resolution in subitem B to grant the permit; and adopt the resolution in subitem C to grant the map waiver:

Subitem-A: (R-2004-) GRANTED APPEAL, ADOPTED AS RESOLUTION
R-298408

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission, certifying Mitigated Negative Declaration No. 1815.

Subitem-B: (R-2004-) GRANTED PERMIT AS AMENDED, ADOPTED AS
RESOLUTION R-298409

Adoption of a Resolution granting or denying Site Development Permit No. 10707, with appropriate findings to support Council action.

Subitem-C: (R-2004-) GRANTED MAP, ADOPTED AS RESOLUTION
R-298410

Adoption of a Resolution granting or denying Map Waiver No. 10711, with the appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 14, 2003, voted 5-1 to approve; no opposition.

Ayes: Lettieri, Brown, Chase, Garcia, Steele

Nays: Ontai

Not present: Schultz

CITY MANAGER SUPPORTING INFORMATION:

Background

The 10,199 square-foot site is an interior lot located on the south side of the 600 block of Westbourne Street, with La Jolla Boulevard to the west and Draper Avenue to the east. The project area is at approximately 100 feet above mean sea level, with the Pacific Ocean being located about five blocks from the subject property to the west. The area is bounded by La Jolla Boulevard to the west, Rosemont Street to the south, Draper Avenue and La Jolla High School land to the east, and the southern half block of Westbourne Street to the north. The site is zoned RM-1-1 (Residential-Multiple Unit), within the La Jolla Community Plan. The site is in an area identified as low medium density (8-14 DU/acre) residential in the La Jolla Community Plan and is consistent with that land use designation. The owners are proposing to demolish an existing one-story duplex and construct a new 2,480 square-foot, two-story single family residence with an attached 406 square-foot, two-car garage, and also construct a new 3,964 square-foot, two-story duplex with attached 400 square-foot, two-car garages. The proposed single family residence fronting Westbourne Street has been designed with a curb cut to access three off-street parking spaces. The proposed duplex has been designed to have four enclosed off-street parking spaces and two uncovered paved parking spaces accessible from the alley.

On October 17, 2001, the project, as described above, was submitted as a Process 2 requesting a Coastal Development Permit (CDP).

In November of 2001, staff determined that the Municipal Code does not allow for driveway access from Westbourne Street where there is alley access available. The proposed driveway on Westbourne Street reduces the number of on-street parking spaces in an area where on-street parking is heavily utilized by the public.

On March 12, 2002, a meeting with staff and the applicant was held to discuss possible design alternatives for the proposed three residential units with the six required off-street parking spaces accessible from the alley only, thereby eliminating the need for a curb cut deviation on Westbourne Street. The meeting concluded with a suggestion that the applicant could look into possibilities of a Planned Development Permit (PDP) along with a Tentative Parcel Map for the proposed deviation of a curb cut on Westbourne Street, but was also cautioned to follow closely the PDP regulations.

The project was redistributed to staff as a Process 4 CDP/PDP and a Tentative Map Waiver (TMW) on March 24, 2003. In April 2003, staff determined they could not support all of the

findings for a PDP.

On June 18, 2003, staff notified the applicant that the City could not support the findings required for approval because a significant deviation from the base zone regulation is not consistent with the purpose of this division and would require a variance in conjunction with the approval of the PDP (SDMC Section 143.0410)(a)(2).

At the hearing of August 14, 2003, the Planning Commission approved Coastal Development Permit No. 10706, Map Waiver No. 10711, and denied Planned Development Permit No. 10707.

On August 20, 2003, a Development Permit Appeal Application was filed in the City Clerk's Office.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the Applicant.

Ewell/Christiansen/VSL

LEGAL DESCRIPTION:

The existing site is 7,650 square feet and is zoned RM-l-l. The proposed project is located at 605/607 Westbourne Street, between La Jolla Boulevard and Draper Avenue, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Lot 6, Block B, Map 1729.

FILE LOCATION: SUBITEMS A, B, & C: Marazul Townhomes (65)

COUNCIL ACTION: (Time duration: 11:55 a.m. - 11:56 a.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTIONS TO GRANT THE APPEAL; APPROVE THE NEGATIVE DECLARATION; APPROVE THE COASTAL DEVELOPMENT WITH A CURB CUT; APPROVE THE PLANNED DEVELOPMENT PERMIT WITH A CURB CUT ADOPTED FROM THE PROPOSED FINDINGS SUBMITTED BY THE APPLICANT, ATTACHMENT 9 TO SEPTEMBER 17, 2003, LETTER FROM MATT PETERSON, A COPY OF WHICH HAS BEEN PROVIDED TO THE CLERK; AND TO APPROVE THE MAP WAIVER. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S500: Three actions related to 50 Megawatt Renewable Energy Commitment and Formation of a Sustainable Energy Advisory Board.

(See City Manager Report CMR-03-178 and News Article.)

TODAY'S ACTIONS ARE:

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2004-22) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 13, 2003

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Section 26.04, renaming the Energy Advisory Board the Sustainable Energy Advisory Board and adding provisions relating to renewable energy goals and board appointments.

Subitem-B: (R-2004-227) ADOPTED AS RESOLUTION R-298412

Adopting a goal to install 50 megawatts of renewable energy on public and private buildings throughout the City in over the next ten years. Renewable energy includes: photovoltaic solar panels, solar thermal panels, solar thermal water heating panels, wind generators, landfill gas generation, small hydroelectric generators, geothermal energy systems, and other renewable energy technologies;

Directing all City departments to install renewable energy generation on new buildings sufficient to meet at least 10 percent of the buildings' estimated annual electricity consumption (consistent with Council Policy 900-14);

Directing the City Manager to assess compliance with Council Policy 900-14 in every City Manager's Report regarding new City capital improvement projects;

Directing the City Manager and City Attorney to assign the necessary resources, including consultants, to assist in the efforts of the Sustainable Energy Advisory Board, within the limits of the City Manager's contractual authority and appropriations made by the Council;

Declaring that the Council shall continue to regularly monitor progress toward the goal of developing 50 megawatts of local renewable fueled generation by 2013, and to modify policies and adopt resolutions as necessary to meet that goal.

Subitem-C: (R-2004-279) ADOPTED WITH DIRECTION AS RESOLUTION
R-298413

Amending Council Policy No. 900-14, entitled "Sustainable Building Policy."

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 9/3/2003, RULES voted 5 to 0 to approve the City Manager's recommendations and a) Change the name to the Sustainable Energy Advisory Board and add a Chamber of Commerce or business organization representative to the advisory board, reducing the number of undesignated representatives to two; b) Forward to the City Council a recommendation to change Council Policy 900-14 to drop the number of units for expedited process from 10 to 4; c) Change the word "Coordinator" to "Administrator" {Ordinance page 4, Section 26.04(c)(8)}; and d) Change the first words to "Report progress at a meeting of the Rules Committee of the City Council" {Section 26.04(c)(10)}. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION:

SUBITEM A: NONE

SUBITEM B & C: MEET

COUNCIL ACTION:

(Time duration: 11:25 a.m. - 11:54 a.m.)

MOTION BY FRYE TO INTRODUCE THE ORDINANCE IN SUBITEM A, TO ADOPT THE RESOLUTION IN SUBITEM B, AND TO ADOPT THE RESOLUTION IN SUBITEM C WITH THE FOLLOWING LANGUAGE CHANGE TO COUNCIL POLICY 900-14, PARAGRAPH 2, SUSTAINABLE BUILDING MEASURES:

“WATER AND WASTEWATER PUMP STATIONS AND THE WATER AND WASTEWATER PROCESS COMPONENTS OF TREATMENT PLANTS ARE EXEMPT FROM THE 10% REQUIREMENT UNLESS TECHNICALLY FEASIBLE. THE 10 PERCENT RENEWABLE ENERGY REQUIREMENT WILL APPLY TO OTHER APPLICATIONS INCLUDING LABORATORIES AND MAINTENANCE/OFFICE BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THE TREATMENT PLANTS.”

Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S501: Rancho Peñasquitos Skate Park.

Matter of approving, conditionally approving, modifying, or denying a Community Plan Amendment, Rezone, Planned Development Permit, Site Development Permit, and Amendment to The Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment to construct a 20,000 square foot skate park on a 44,465 square foot site at 10029 Carmel Mountain Road in the Rancho Peñasquitos Community Planning Area.

(CPA No.11768/RZ No.11766/PDP No. 16899/SDP No. 16898/Amend PFFP and FBA/Amend FY 2004 Capital Improvements Program. Rancho Peñasquitos Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, C, E, and F; adopt the resolution in subitem B to grant the permit; and introduce the ordinance in subitem D:

Subitem-A: (R-2004-293) ADOPTED AS RESOLUTION R-298421

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 6995 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et. seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Rancho Peñasquitos Skate Park project; ITEM-S501: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-298422

Adoption of a Resolution granting or denying Site Development Permit No. 16898 and Planned Development Permit No. 16899, with appropriate findings to support Council action.

Subitem-C: (R-2004-294) ADOPTED AS RESOLUTION R-298423

Adoption of a Resolution approving the amendments to the Rancho Peñasquitos Community Plan;

That the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above-amended plan is adopted.

Subitem-D: (O-2004-30) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 13, 2003

Introduction of an Ordinance changing 1.01 acres, located at 10024 Carmel Mountain Road, in the Rancho Peñasquitos Community Plan area, in the City of San Diego, California, from the CP-1-1 zone to the OP-1-1 zone, as defined by San Diego Municipal Code Sections 131.0202 and 131.0506; And repealing Ordinance No. O-10956 (New Series), adopted November 21, 1972, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-E: (R-2004-296) ADOPTED AS RESOLUTION R-298424

Adoption of a Resolution approving the amendments to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment.

Subitem-F: (R-2004-297) ADOPTED AS RESOLUTION R-298425

Adoption of a Resolution authorizing the City Auditor and comptroller to amend the fiscal year 2004 Capital Improvements Program Budget by increasing CIP No. 29-516.0, "Rancho Peñasquitos Skate Park," Fund No. 79004, in the amount of \$500,000 for the Rancho Peñasquitos Skate Park;

That the City Auditor and Comptroller is authorized to appropriate and expend \$500,000 from CIP No. 29-516.0, "Rancho Peñasquitos Skate Park," Fund No. 79004, Rancho Peñasquitos Facilities Benefit Assessment.

NOTE: 6 votes required for subitems A, B, C, D, E and F.

OTHER RECOMMENDATIONS:

Planning Commission on September 11, 2003, voted 6 - 0 to approve; was opposition.

Yeas: Brown, Chase, Garcia, Lettieri, Ontai, Schultz
Not Present: Steele

The Rancho Peñasquitos Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The Park & Recreation Department proposes to construct a 20,000 square foot City-owned/operated skate park on a vacant 44,465 square foot site at 10029 Carmel Mountain Road. This proposal requires a Community Plan Amendment, Rezone, Planned Development Permit, Site Development Permit, and amendment to the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment. Approval of the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment would allocate \$500,000 toward the construction of the project.

Both the Community Plan Amendment and Rezone were initiated by City Council Resolution nos. R-297010 and R-297011, respectively. These resolutions were adopted on September 3, 2002. The Community Plan Amendment would change Rancho Peñasquitos Community Plan land use designation of the project site from Commercial to Open Space, and the Rezone would change the zone from CP-1-1 (Commercial Parking) OP-1-1 (Open Space Park).

The skate park would be operational between the hours of 7:00 a.m. and 7:00 p.m. To meet parking requirements, the project is required to provide 21 parking spaces through a Shared Parking Agreement. Additional traffic impacts on Carmel Mountain Road and surrounding circulation system would not be significant. The project traffic assessment does not anticipate any project in the short or long-term in the general vicinity of the project site that would cause a significant traffic impact. No significant impacts from air quality or noise is anticipated.

Planning Commission Recommendation: Pending on September 11, 2003.

Community Planning Group Recommendation: On August 6, 2003, the Rancho Peñasquitos Community Planning Board voted 14-0-0 to recommend approval of the project.

Manager's Recommendation: Approve Community Plan Amendment No. 11768, Rezone No. 11766, Site Development Permit No. 16898, certify Mitigated Negative Declaration No. 6995, and adopt Mitigation, Monitoring, and Reporting Program.

Fiscal Impact: All costs associated with the processing are paid from a deposit account maintained by the applicant. Approval of the Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment would appropriate an expenditure of \$500,000 for the skate park. The full cost of the park is estimated to be \$1.3 million. An additional \$75,000 has been previously appropriated from Park & Recreation Development fund for design and engineering. The remaining balance would be acquired through various fund raising efforts.

Traffic Impact Statement: The proposed Rancho Peñasquitos Skate Park is estimated to generate approximately 150 average daily trips. Carmel Mountain Road will continue to operate at an excellent level of service “A.” Therefore, the proposed project will not have any significant traffic impacts to the surrounding street network.

Water Quality Statement: Project approval is conditional on construction drawings incorporating comprehensive temporary construction and permanent post construction water quality best management practices (BMP) to reduce the amount of pollutants and sediments discharged from the site. In addition, prior to the Notice to Proceed and/or first pre-construction meeting, the applicant is required to submit a drainage study that would determine if downstream capacity is sufficient to support the proposed development. If not, equivalent alternative available technologies and Best Management Practices (BMPs) may be required by the City Engineer including, but not limited, to increased landscaping or a detention basin.

Aud. Cert. 2400307

Ewell/Christiansen/JB

LEGAL DESCRIPTION:

The project site is located at 10029 Carmel Mountain Road, between Ted Williams Parkway (State Route-56) and Freeport Court, in the Rancho Peñasquitos community.

<u>FILE LOCATION:</u>	SUBITEMS A, & B: LUP- <u>Rancho</u> Penasquitos State Park, 09/23/05 (65)
	SUBITEM C: LAND- <u>Rancho</u> Penasquitos Community Plan, Rancho Penasquitos State Park (10)
	SUBITEM D & F: LUP- <u>Rancho</u> Penasquitos State Park, 09/23/03 (65)
	SUBITEM E: STRT-FB-13-04 (33)

<u>COUNCIL ACTION:</u>	(Time duration: 2:09 p.m. - 2:26 p.m.)
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Testimony in opposition by Jackie Minerd.

Testimony in favor by Adrian Kwiatkowski and Andrew Berg.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, C, E, AND F; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT WITH THE MODIFICATION TO CONDITION 20 THAT WAS INDICATED IN THE MEMORANDUM; AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S502: Morena Vista Mixed Use.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, and Variance to the Inclusionary Housing Ordinance to allow development of 184 residential condominium apartment units, including 16 affordable units, and approximately 20,416 square feet of retail space in the Linda Vista Community Plan area. The 6.50 acre project site is located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road. The project site is in the following zones: CC-3-4; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area. The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment building over below grade parking. The Site Development Permit is requested to allow deviations in height and sidewalk width from the requirements of the Community Plan Implementation Overlay Zone (CPIOZ). The CPIOZ allows a maximum height of 45 feet with issuance of a discretionary permit, plus an additional 5 feet for architectural projections. The maximum height of the proposed apartment building is 57'- 10" (including architectural projections), and the maximum height of the proposed attached clock tower is 71'-5". The minimum sidewalk width required by CPIOZ is 7', and the project provides minimum 5' width. The project also includes off-site parking along Friars Road to be used for overflow trolley parking. The street segments proposed to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of : Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street).

A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 16 affordable housing units at rates affordable to households earning no more than 80% of the area median income (AMI), where 18.4 affordable housing units at 65% AMI would be required by the Inclusionary Housing Ordinance.

(Linda Vista Community Plan area. District-6, Tentative Map No. 10197, Street Vacation No. 10207, Street Dedication No. 10206, Planned Development Permit No. 10198, Site Development Permit No. 25464, and Variance No. 29754).

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems: A, B, and C:

Subitem-A: (R-2004-270) CONTINUED TO MONDAY, NOVEMBER 3, 2003

Adoption of a Resolution granting Tentative Map No. 10197; that pursuant to California Government Code section 66434(g), portions of Riley Street, Cherry Street, and Gaines Street, located within the project boundaries as shown in Vesting Tentative Map No. 10197, shall be vacated, contingent upon the recordation of the approved final map for the project;

That pursuant to California Government Code section 66434(g), a portion of the water easement granted to the City of San Diego per document recorded October 10, 1963, as file No. 181658, a portion of the sewer, water, drainage, and public utility easement granted to the City of San Diego per document recorded March 4, 1964, as file No. 41221, a portion of the water main easement granted to the City of San Diego per document recorded July 8, 1970, as file No. 119526, a portion of the sewer easement granted to the City of San Diego per document recorded July 13, 1979, as file No. 79-245239, a portion of the sewer easement granted to the City of San Diego per document recorded September 23, 1997, as file No. 1997-046754, located within the project boundaries as shown in Vesting Tentative Map No. 7248, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained, and Tentative Map No. 10197 is granted to City Link Investment Corporation, Applicant, and SB&O, Inc., Engineer, subject to the conditions attached hereto and made a part thereof.

Subitem-B: (R-2004-271) CONTINUED TO MONDAY, NOVEMBER 3, 2003

Adoption of a Resolution certifying that Mitigated Negative Declaration, Project No. 6137, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Morena Vista project.

Subitem-C: (R-2004-286) CONTINUED TO MONDAY, NOVEMBER 3, 2003

Adoption of a Resolution vacating portions of Riley Street, Pine Street, Fort Stockton Drive, Cherry Street, Custer Street, Greenwood Street, Morgan Street (formerly Adams Street), and unnamed alleys in Block 1 of Map 569, as more particularly shown on Drawing Nos. 20120-1-B, 20120-2-B, and 20120-3-B, and described in the legal description marked as Exhibit "A," which are by this reference incorporated herein and made a part hereof are ordered vacated.

OTHER RECOMMENDATIONS:

On April 28, 2003, the Linda Vista Community Planning Committee voted 14-2 to recommend approval of the project.

Planning Commission Recommendation: The project was originally scheduled for Planning Commission hearing on August 14, 2003, but was continued to the September 11 meeting date in order to add a request for a Variance from the Inclusionary Housing Ordinance. The results of the September 11 Planning Commission hearing will be forwarded to the Clerk's office as soon as possible.

SUPPORTING INFORMATION:

Morena Vista project consists of a Tentative Map, Street Vacation, Street Dedication, Easement Vacation, Planned Development Permit, Site Development Permit, and Variance (to Inclusionary Housing Ordinance) to allow development of 184 residential condominium apartment units, including 16 affordable units, and approximately 20,416 square feet of retail space in the Linda Vista Community Plan area. The 6.50 acre project site is located south of the intersection of Linda Vista Road and Napa Street, immediately north of Friars Road. The project site is in the following zones: CC-3-4; the North Bay Redevelopment area; Community Plan Implementation Overlay (Area A); and the Campus Parking Impact area. The project is a Redevelopment Agency

project. The project site includes the Morena/Linda Vista trolley station which would be relocated onsite. The project proposes to construct two (2) three-story mixed use retail/residential buildings and one (1) four-story apartment building over below grade parking. The street segments proposed to be vacated with this project are all paper streets and have not been constructed nor used as streets (segments of: Cherry St., Gaines St., Riley St., Pine St., Fort Stockton St., Custer St., Greenwood St., unnamed alley, and Adams Street). A Variance from the requirements of the Inclusionary Housing Ordinance is requested with this project to allow the provision of 16 affordable housing units at rates affordable to households earning no more than 80 percent of the area median income (AMI), where 18.4 affordable housing units at 65 percent AMI would be required by the Inclusionary Housing Ordinance.

TRAFFIC IMPACT:

The proposed project consisting of 184 dwelling units with ground floor commercial/retail uses is estimated to generate 1,511 average daily trips (ADT) with 93 am peak-hour trips and 135 pm peak-hour trips. The proposed project is not expected to have a significant adverse impact on the freeway or the neighboring roadway system.

Water Quality Impact Statement: The project is required to comply with the State Water Resources Control Board Order No.92-08-DWQ (NPDES General Permit No. CAS0000002). Private storm drain facilities will collect and convey the runoff to the public storm drain system. The development proposes structural and non-structural Best Management Practices (BMPs). Permanent BMP structures will be required, satisfactory to the City Engineer. Non-structural BMPs will consists of source control, periodic sweeping of the parking areas and adequate vegetation and erosion control. The property owner will be responsible for the long term maintenance of the BMPs.

FISCAL IMPACT:

No cost to the City: all costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located south of the Linda Vista Road and Napa Street intersection, (includes the existing Morena/Linda Vista trolley station) and just north of Friars Road. The site is zoned CC-3-4 and lies within the Linda Vista Community Plan Area, North Bay Redevelopment Project Area, Community Plan Implementation Overlay Zone (Area A), and Campus Parking Impact Area.

FILE LOCATION: SUBITEMS A, B, & C: STRT-J2955 (39)

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:18 a.m.)

MOTION BY ATKINS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 3, 2003, AT THE REQUEST OF THE CITY MANGER TO REVIEW LEASE ISSUES.
Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:21 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:21 p.m.)